IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4460 of 2005

Mr.Ram Kotak .... Applicant

V/s

The State of Maharashtra and Anr...Respondents

Mr.Shaolesh Kumar for Petitioner

Mr.V.B.Kondedeshmukh , A.P.P. for State

CORAM:SMT.V.K.TAHILRMANI,J.

DATED:3rd August 2005

P.C.:-

1. Heard the learned advocate for the Applicant, and the learned A.P.P. for the State.

2. The Applicant has prayed for quashing of process issued in C.C. No.3921 of 2004 which is pending in the Court of learned Judicial Magistrate of First Class, Vashi. In the said case process has been issued against the Applicant under Section 138 read with 141 of Negotiable Instrument Act.

3. However, for the reasons recorded in my order dated

13th June, 2005 passed in Criminal Writ Petition No. 213 of 2005 and order dated 21st June 2005 passed in Criminal application NO.550 of 2005, the Petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the Petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the Applicant to prefer revision before the concerned Sessions Court. The learned Advocate for the Applicant states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today. It is made clear that the revision shall be preferred in respect of impugned order of the Magistrate issuing process against the Applicant.

5. On the necessary revision being preferred by the Applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Office to issue an authenticated copy of this order to the parties.

7. Application is disposed of.

(SMT.V.K.TAHILRAMANI,J.)